

REMARKS

This Response is submitted in reply to the Office Action of August 20, 2007. The Specification and Claims 1-3, 9-13, 18-21, 25, 31, 33 and 41 are amended. No new matter is added by these amendments. A Supplemental Information Disclosure Statement is submitted herewith. A Petition for a One-Month Extension to respond is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due in connection with this Response.

The Office Action rejects Claims 1-44 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0181234 ("Falciglia") in view of U.S. Patent No. 5,401,024 ("Simunek"). While Applicants disagree, certain of the claims have been amended for clarity.

Falciglia discloses a Brasil Slingo™ type game. However, as stated by the Office Action, Falciglia "...is silent in regards to at least one pick of the selections; and a second award provided to the player based on how many of the symbols associated with the selections picked are generated by the associated generation devices within the amount of generations..." As a result, Falciglia also does not disclose a picked selection being associated with a first symbol from the range of the plurality of symbols or the first symbol being hidden prior to the player picking the picked selection.

Simunek discloses a keno type gaming device. In the Simunek gaming device, a player selects up to 10 numbered spots. The player is aware of the specific numbers the player selects as the selections are made because the numbers are displayed to the player during selection.

It is respectfully submitted that the combination of Falciglia and Simunek is improper. There is no rigid, mandatory formula with regard to the need for a motivation to combine references for the combination to be proper. However, the lack of motivation still provides a helpful insight into whether the combination is proper.

The Office Action states that one of ordinary skill in the art would be motivated to combine Falciglia and Simunek because the combination would "...yield predictable results by providing a player [the opportunity] to obtain as many matches as possible to increase the size of the payout." Adding any different game's payout to the Brasil

Slingo™ payout taught by Falciglia could also “increase the size of the payout.” There are thousands of references which disclose a game different from the Brasil Slingo™ game. With such a large number of references teaching games other than Brasil Slingo™ to choose from, and with no motivation to specifically combine Falciglia and Simunek, it is respectfully submitted that it would not have been obvious for one of ordinary skill in the art to specifically combine Falciglia and Simunek.


However, even if the combination were proper, neither Falciglia nor Simunek disclose a picked selection being associated with a first symbol from a range of a plurality of symbols and the first symbol being hidden prior to the player picking the picked selection. As discussed above, Falciglia does not disclose making picks of selections or a first symbol being hidden prior to the player picking the picked selection. Simunek discloses that the numbers picked by the player are displayed rather than hidden prior to the picks being made.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are patentably distinguished over Falciglia in view of Simunek and are each in condition for allowance. For similar reasons, it is respectfully submitted that Claims 19, 33 and 41 and their respective dependent claims are patentably distinguished over Falciglia in view of Simunek and are each in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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